

DATE: [DATE \@ "MMMM d, yyyy"]

ECRCO

CONTACT: Lilian

Dorka/ 564-9649

Internal deliberative pre-decisional, attorney-client privileged information, do not release without review.

External Civil Rights Compliance Office

Litigation: Pending Cases Related to Earthjustice Litigation

Ex. 5 Deliberative Process (DP)

1. Tallassee (Landfill), AL (EPA File # 06R-03-R4)

~~Background: ECRCO's investigation of this issue relates to the 2003 permit modification at~~

Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.
- 40 C.F.R. § 7.115 (Postaward Compliance Reviews).
- ECRCO Case Resolution Manual, at Ch. 5 (Compliance Reviews)

~~Considerations and Recommendations:~~

Ex. 5 Deliberative Process (DP)

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Ex. 5 Deliberative Process (DP)

Action Needed: A draft Closure Letter will be shared with you by February 3, 2017, for initiating the clearance process and further discussion regarding compliance review strategy.

2. Beaumont Exxon/Mobil Refinery, TX (EPA File # 01R-00-R6)

Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Considerations and Recommendations:

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Ex. 5 Deliberative Process (DP)

Non-litigation: Other Pending Cases Under Investigation Needing Resolution in Next Two Weeks

Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Ex. 5 Deliberative Process (DP)

• Arizona Cases

1. *Phoenix Brick Yard, Maricopa County Air Quality Department (MCAQD) (EPA File # 10R-07-R9)*

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Status:

Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Ex. 5 Deliberative Process (DP)

2. Fisher Sand & Gravel, MCAQD (EPA File # 01R-11-R9)

Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulation found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Ex. 5 Deliberative Process (DP)

3. South Phoenix, MCAQD and Arizona Department of Environmental Quality (ADEQ) (EPA File # 03R-07-R9)

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Ex. 5 Deliberative Process (DP)

Regulatory/ Legal Requirements:

- Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*
- EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Ex. 5 Deliberative Process (DP)

Non-litigation: Cases Under Jurisdictional Review (JR) Needing Action

Ex. 5 Deliberative Process (DP)

- Acceptance Letters Ready to be issued

- 1) Hawaii Department of Agriculture (DOA) and the Hawaii Agribusiness Development Corporation (ADC) (EPA File # 44RNO-16-R9)

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Ex. 5 Deliberative Process (DP)

Non-litigation: Other Matters

- **Toolkit Roll-Out**

Ex. 5 Deliberative Process (DP)